

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-2 HOWARD ERIC JACKSON,

Defendant.

Case No. 14-20449

Honorable Laurie J. Michelson

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**ORDER DENYING DEFENDANT HOWARD JACKSON'S MOTION FOR  
REDUCTION OF SENTENCE [144]**

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Howard Jackson pled guilty to participating in a drug conspiracy. He was sentenced to 135 months. (ECF No. 102.) The Court denied Jackson's post-judgment motion to vacate his sentence under 28 U.S.C. § 2255, (ECF No. 137), which was affirmed by the Court of Appeals on August 10, 2018. (ECF No. 141.) A few weeks later, on August 23, 2018, Jackson filed a letter asking the Court "if at all possible, [to] reduce [his] sentence." (ECF No. 142.) The request was denied. (ECF No. 143.) Shortly thereafter, Jackson filed the present Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2). He seeks to have his sentence reduced to the statutory mandatory minimum of 120-months.

District courts have discretion to reduce the sentence "of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission . . . , if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission." 18 U.S.C. § 3582(c)(2). Jackson relies on Amendment 782 to the sentencing guidelines, which became effective on November 1, 2014. It amended sentencing guideline § 2D1.1's drug quantity table to reduce by two levels the base

offense level for most drug offenses. *See* U.S.S.G Manual App. C, amend. 782 (2014). Amendment 788, which also became effective on November 1, 2014, identified Amendment 782 as retroactive. *See id.*, amend. 788.

Jackson was sentenced on July 19, 2016, *after* Amendment 782 went into effect. And Amendment 782's reduced offense levels have already been applied in this case. (PSR ¶ 21). Thus, Jackson was not sentenced based on a guideline range that has since been lowered by the Sentencing Commission and so he is ineligible for § 3582(c)(2) relief. The motion is DENIED.

IT IS SO ORDERED.

s/Laurie J. Michelson  
LAURIE J. MICHELSON  
UNITED STATES DISTRICT JUDGE

Date: January 29, 2019

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record and/or pro se parties on this date, January 29, 2019, using the Electronic Court Filing system and/or first-class U.S. mail.

s/William Barkholz  
Case Manager